

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Suits – Kurnool Dist. – C.A.No.271/2010 in O.A. No.5948/ 2004 filed by Sri S. Krishna Moorthy, VDO., (Retd) Holagund (M) Kurnool Dist. and 5 others – Payment of interest on delayed payment of with held DCRG – Sanctioned – Orders - Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (MANDAL-II) DEPARTMENT

G.O.Rt.No. 516

Dated 22-04-2010

Read the following:

- 1.Orders of the APAT in O.A.No.5948/2004, dated 30.4.2009
Filed by Sri S.Krishna Murthy, VDO (Retd.) and 5 others.
2. Govt. memo No.28396/Mdl.II/A1/2008, dated 27.7.2009.
3. From the CPR&RE, Hyd. Letter No.534/CPR&RE/B3/2004,
dated 26.2.2010.
4. Notice in C.A.No.271/2010 in O.A. No.5948/2004 filed by
Sri S.Krishna Murthy and 5 others.
5. Govt. Memo No.28396/Mdl.II/A1/2008, dated 12.4.2010.
6. From the CEO, ZPP, Kurnool Rc.No.H4/1935/2004,
dated 13.4.2010&17.4.2010.

ORDER:

In the reference 6th read above, the Chief Executive Officer, Zilla Praja Parishad, Kurnool Distirct has reported that the pay of Sri S.Krishna Murthy, Village Development Officer and 5 others was fixed in terms of G.O.Ms.No.476 Panchayat Raj (Estt.IV) Department, dated 17.5.1976. As per the orders issued in G.O. Ms. No.436 P.R & R.D (Estt.VI) Department, dt.7.7.1989 the pay fixation made earlier in respect of the above individuals was found to be excess and erroneous and that certain amounts were withheld from their Death-Cum-Retirement Gratuity. The applicants have challenged the same before the A.P.Administrative Tribunal and the A.P. Administrative Tribunal in its order dated 5.10.1994 in O.A.No.1176/94 have set aside the orders issued in G.O.Ms.No.436, P.R&R.D (Estt. VI) Department, dt. 7.7.89 and ordered for payment of DCRG with interest that is payable as per Governmnt instructions.

2. The Chief Executive Officer, Zilla Parishad, Kurnool has also reported that the Government filed a Special Leave Petition C.C.No.2809/1995 in the Hon'ble Supreme Court of India against the orders of the A.P.A.T. dated 5.10.1994 and the Hon'ble Supreme Court have dismissed the same on 11.7.1995. Subsequently Government have issued orders in G.O.Rt.No.604, dated 10.9.96 to implement the orders issued originally in G.O.Ms.No.476 PR&RD (Estt.IV) Department, dt.17.5.76, according to that the individuals have become eligible for full payment of their DCRG without any recovery. In Govt. Memo No. 27689/Mdl.II/97-4, dated 16.11.1998 it was clarified that the individuals are not entitled for interest on the part of their DCRG that was withheld in view of the orders which was in force at the time of their retirement and the same was informed to the individuals vide Chief Executive Officer, Zilla Parishad, Kurnool D.Dis. No. H3/3128/97, dated 26.11.98.

3. Aggrieved by the above, the individuals have again approached the APAT seeking orders for payment of interest on withheld DCRG. The APAT in its order dated 30.4.2009 in O.A. No.5948/2004 have set aside the orders in D.Dis. No. H3/3128/97, dated 26.11.98 declaring that the applicants are entitled to the interest on delayed payment of DCRG in accordance with the rule 46(1)(9)(IV) of the A.P. Revised Pension Rules, 1980 and also ordered that it shall be paid within a period of 8 weeks from the date of receipt of a copy of its order. The individuals have also filed C.A.No.271/2010 in O.A. No.5948/2004 for non compliance of the orders of the Tribunal.

4. The Chief Executive Officer, Zilla Praja Parishad, Kurnool District has worked out the interest to be paid to the individuals on the delayed payment of withheld DCRG as per Circular Memo No. 16077/135/A2/Pen.I/2004, dated 20.2.2006 of Finance (Pension I) Department and furnished a detailed proposals to the Government for sanction of an amount of Rs.28,691/- due to the individuals as detailed below :

SL. NO	Name of the applicant	Date of Retirement	Amount of DCRG (in Rs.)	Date on which DCRG paid	Interest to be paid (in Rs.)
1	Sri S. Krishna Murthy	31.03.1991	26,245	20.07.95	5100
2	Sri V. Veerabhadra	30.06.1989	11,856 18,150	19.10.92 08.01.96	7308
3	Sri D.S. Khasim Sahib	31.05.1991	43,600	06.10.93	4334
4	Sri Ch. Nagi Reddy	30.06.1992	50,000	29.09.94	4752
5	Smt.A. Vimala	30.11.1989	40,000	20.07.92	4472
6	Smt P. Saraswathamma	31.08.1990	41,400	08.05.92	2725
				TOTAL	28691

5. Government after careful examination of the proposal, hereby accord sanction for an amount of Rs.28,691/- (Rupees Twenty Eight thousand Six Hundred and Ninety one only) towards payment of interest on delayed payment withheld DCRG to Sri S.Krishna Murthy, VDO (Retd.) Holaguda Mandal, Kurnool District and 5 others as mentioned in para (4) above.

6. The amount sanctioned in para (5) above shall be met from the General Funds of Zilla Parishad, Kurnool District.

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7. The Chief Executive Officer, Zilla Praja Parishad, Kurnool District is requested to take necessary action accordingly.

8. This order issues with the concurrence of Finance (Pen.II) Department vide their U.O.No.9048/88/A1/Pen.II/10, dated 31.3.2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.V.P.C. SASTRY,
PRINCIPAL SECRETARY TO GOVERNMENT (PR)

To
The Chief Executive Officer, Zilla Praja Parishad, Kurnool District.
Copy to
The Individuals through Chief Executive Officer,
Zilla Parishad, Kurnool.
The Commissioner,
Panchayat Raj & Rural Employment, Hyderabad.
The District Collector, Kurnool.
The District Treasury Officer, Kurnool District.
The Finance (Pen.II) Department.
SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER.